



PATENT APPLICATION
Docket No: 10209.56

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
	Claude Jarakae Jensen, et. al)	
Serial No.:	09/839,433)	
Filed:	April 20, 2001)	Art Unit 1616
For:	MORINDA CITRIFOLIA ENHANCED LIP TREATMENT)	
Examiner:	Sharmila S. Gollamudi)	

AFFIDAVIT UNDER 37 C.F.R. §1.131

I H. Michael Drake declare:

1. That I am an Officer of Morinda, Inc. and am authorized to make this declaration.
2. The products sold and referenced by Noni-Now, including the lip balm, at the time of the publication of the cited reference, and the lip balm sold by Morinda, Inc. are products manufactured by Morinda, Inc.
3. That the invention disclosed and claimed in the above-referenced patent application was conceived and reduced to practice prior to the referenced Noni-Now and Morinda, Inc. products being manufactured and sold by Morinda, Inc., or by Noni-Now.
4. That the attached Exhibit "A" contains the final approval for manufacture of the referenced products, and that no lip balm was manufactured for sale in the United States, by Morinda, Inc. prior to May 24, 2000.

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5. That all statements made of our own knowledge are true and all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this _____ day of January, 2006

H. Michael Drake

State of Utah)
) ss
County of Salt Lake)

Before me personally appeared H. Michael Drake who acknowledged the foregoing instrument to be a free act and deed and also represented that he is authorized to execute the same this _____ day of January in the year 2006.

Notary Public

My Commission Expires:

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EXHIBIT “A”

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GAR LABORATORIES INC.
LAB SAMPLE APPROVAL FORM
(THIS IS NOT A PRODUCTION SAMPLE)

IMPORTANT! THIS IS A SMALL LABORATORY SAMPLE,
THIS SAMPLE IS BEING SENT TO YOU IN ORDER TO
ESTABLISH A STANDARD FOR FUTURE PRODUCTION BATCHES.

Date 05/24/00

Customer Name MORINDA, INC.

Product Name/Description LIP TREATMENT SPF-15 B

Formula Number/Revision FMORIND7080-04 (1% noni oil in formula)

	Approve	Disapprove
Viscosity (cps) (thickness)	<u>[Signature]</u>	_____
Color	<u>[Signature]</u>	_____
Appearance/Texture	<u>[Signature]</u>	_____
Fragrance	<u>[Signature]</u>	_____
Performance (if applicable)	<u>[Signature]</u>	_____
Formula APPROVED for Manufacturing	<u>[Signature]</u> YES	_____ NO

Comments: _____

Please check the appropriate space and return to
GAR Labs, 1844 Massachusetts Ave., Riverside, CA 92507
or for faster service FAX to: (909) 788-6200

This product has not been tested for potential skin irritancy, long term shelf life or stability. Therefore it may cause skin irritation, change, separate, or oxidize within one year. GAR Labs will not guarantee the non-irritancy or product stability unless independant testing is requested in writing and the product passes. GAR Labs will not guarantee any product or formula with customer supplied ingredients. This product DOES carry a 1 year guarantee against bacterial contamination, with GAR Labs liability limited only to the invoiced amount.

[Signature] 26 May 2000
[Signature] 5/26/00
(authorized signature)
[Signature]